

REMARKS

Claims 1-28 are pending in the application, claims 1-22 have been rejected. Claims 1-28 have been amended. No claims have been added or canceled. Claims 1-28 are now pending in the case.

Claims 1-28 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Patent Office has noted several terms in the claims that lack proper antecedent basis. Applicants have amended the claims to correct the noted deficiencies. In view of the amendments, Applicants believe that the claims now satisfy the statutory requirements of 35 U.S.C. § 112, second paragraph.

Claims 1-3 and 5-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Sturino (U.S. 5,713,886) Applicants respectfully traverse.

The present invention, as claimed in independent claim 1, is directed to a feminine hygiene pad comprising, inter alia, a main pad body having an absorbent core positioned between a cover material and a barrier layer, and further requiring:

- 1) a main pad body thickness being defined as the dimension of the main pad body from the first face to the opposing second face,
- 2) said absorbent core being adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use,
- 3) said feminine hygiene pad further comprising a strip, said strip being substantially planar and relatively small in thickness compared to the main pad body thickness,
- 4) said feminine hygiene pad further comprising an adjustment means whereby the length of said strip is adjustable by the wearer. (emphasis added)

It is respectfully submitted that the Sturino reference fails to teach or fairly suggest the above expedients. More particularly, Sturino teaches a sanitary napkin or panty liner including an absorbent core having first and second portions. The second portion has opposed sides that flare continuously from the sides of the first portion and has a wider width

than the first portion. The thickness of the core, as shown in Figures 2 and 3 is substantially uniform in the first and second portions. Thus, with regard to expedients 1 and 3 above, Sturino fails to teach or suggest these expedients. In the Office Action, it appears that the Patent Office has confused the widths W1 and W2 in Sturino for thicknesses. These cannot be considered to be the thickness of the absorbent core since Sturino, at column 2, lines 36 to 41 clearly indicates “the width W1 of the end portion 18... and the widest width W2 of the end portion 20... The absorbent core 12 has a thickness in the range of about 1/16 (0.16 cm) inch to about ¼ inch (0.64 cm).” Clearly W1 and W2 as defined in Sturino are widths and cannot be considered to be thicknesses of the absorbent core.

With regard to expedient 2 above, it is respectfully submitted that sanitary napkins and panty liners taught by Sturino have an absorbent core that extends along the entire length of the napkin or liner and is thus not adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use. As illustrated in Figure 1, the absorbent core 12 is represented by dashed line 12 and extends along substantially the entire length of the absorbent napkin or liner in Sturino. Expedient 2 above requires that the absorbent core be adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use. This is clearly contrary to the express teaching in Sturino.

Finally, with regard to expedient 4 above, the Patent Office alleges that Sturino teaches a substantially planar strip 18 that is made of stretchable material, and therefore may be stretched to a new length. This position is factually incorrect. The first portion of the absorbent core 18 in Sturino, (i.e. the narrower portion of the absorbent core that generally corresponds to Applicant’s strip), is formed from at least three layers, a cover sheet 14, a backing sheet 16 and an absorbent core 12 between the cover sheet and backing sheet. None of these layers are disclosed as being stretchable. To the contrary, the absorbent core, is described at column 2, lines 42 to 51, and includes a transmission layer 22 loosely positioned atop a coextensive storage layer 24. The transmission layer 22 is formed of a low density/high loft material like cotton wadding or wood pulp fiber capable of quickly absorbing and distributing liquids. As is well known in the art, cotton wadding and wood pulp fiber are not considered to be stretchable materials under normal conditions of use.

Moreover, there is no teaching or suggestion within Sturino to choose stretchable materials for any of these layers. Should the Patent Office persist with the present rejection, Applicants respectfully request support, in the form of an identification of column and line number, where Sturino allegedly discloses these expedients. In the absence of such support, withdrawal of the present rejection is accordingly respectfully requested.

Claim 23 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Markowiecki (U.S. 6,350,258) Applicants respectfully traverse.

The present invention, as claimed in independent claim 23, is directed to a feminine hygiene pad comprising, inter alia, a main pad body having an absorbent core positioned between a cover material and a barrier layer, and further requiring:

- 1) a main pad body thickness being defined as the dimension of the main pad body from the first face to the opposing second face,
- 2) said absorbent core being adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use,
- 3) said feminine hygiene pad further comprising a strip, said strip being substantially planar and relatively small in thickness compared to the main pad body thickness,
- 4) to thereby facilitate retaining said main pad body adjacent to the wearer's vagina;
and
- 5) said feminine hygiene pad further comprising an adjustment means whereby the length of said strip is adjustable by the wearer. (emphasis added)

It is respectfully submitted that the cited reference fails to teach or suggest the above expedients. More particularly, the sanitary pad disclosed in Markowiecki is constructed in a completely opposite manner that Applicants present claimed invention. More specifically, the narrow portion in the Markowiecki sanitary pad is constructed of absorbent material and has a greater thickness than the wider portion of the sanitary pad. See for example Figure 10 and the description thereof at column 8, lines 52-62, wherein element 304 is defined as the narrow "tail" section and element 302 is defined as the wider portion. Clearly the narrow portion 304 has a greater thickness than the wider portion 302. See also Figures 6 and 8

which illustrate the construction of the narrower portion of the sanitary pad. Clearly the narrower portion is designed to form the primary absorbent body of the sanitary pad. This is completely opposite to Applicants present claim requirements. In addition, the narrow portion of the sanitary pad in Markowiecki is adapted to reside adjacent the wearer's vagina which is clearly contrary to the express requirement in expedients 2 and 4 above.

Moreover, there is no disclosure or suggestion of providing the sanitary pad with an adjustment means.

In view of the foregoing, Applicants believe claim 23 is patentable over Markowiecki. Withdrawal of the present rejection is accordingly respectfully requested.

Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sturino (U.S. 5,713,886) as applied to claim 1 above. Applicants respectfully traverse.

Claim 4 is dependent from an allowable base claim and thus is considered to be patentable for the above reasons of record.

Claims 24-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Markowiecki (U.S. 6,350,258) as applied to claim 23 above. Applicants respectfully traverse.

Claims 24-27 are dependent from an allowable base claim and thus are considered to be patentable for the above reasons of record.


Allowable subject matter:

Claims 19-22 have been indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. §112. Applicants have amended the claims as noted above and believe that the amended claims are now in condition for allowance.

Claims 11-18 and 28 have been indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. §112 and to include any limitations of the base claim and any intervening claims. Applicants appreciate the identification of the above allowable subject matter in these claims. Applicants have amended the claims to overcome the rejections under 35 U.S.C. § 112, however, Applicants believe that these claims are allowable in their current form over the cited references for the above reasons of record.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of the pending claims.

Respectfully submitted,


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Version with Markings to Show Changes

In the Claims:

Please amend the following claims:

1. (Amended) A feminine hygiene pad comprising:

a main pad body having an absorbent core positioned between a cover material and a barrier layer, a rear end which in use is located in proximity to a wearer's buttocks and an opposed front end, a first face adapted to contact with the wearer's body and an opposing second face adapted to face toward an undergarment of the wearer, a main pad body thickness being defined as the dimension of the main pad body from the first face to the opposing second face, said main pad body adapted to be worn in close proximity to the vagina of the wearer;

said absorbent core being adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use;

said feminine hygiene pad further comprising a [substantially planar] strip, said strip being substantially planar and relatively small in thickness compared to the [thickness of the] main pad body thickness, and said strip extending rearwardly from said rear end of the main pad body, terminating at a distal end and having a length as measured from said rear end of the main pad body to the distal end;

wherein said feminine hygiene pad being configured such that said strip is adapted to be received between the buttocks of the wearer to thereby facilitate retaining said main pad body adjacent to the wearer's vagina; and

said feminine hygiene pad further comprising an adjustment means whereby the length of said strip is adjustable by the wearer.

2. (Amended) A feminine hygiene pad as recited in claim 1, wherein said main pad body is between 8 and 13.1 cm in length.

3. (Amended) A feminine hygiene pad as recited in claim 1, wherein said strip is less than 1 cm in thickness.

4. (Amended) A feminine hygiene pad as recited in claim 1, wherein said strip is between 0.5 cm and 2.5 cm in width.

5. (Amended) A feminine hygiene pad as recited in claim 1, wherein said opposing second face comprises an area of adhesive to aid in retaining said main pad body adjacent to the wearer's vagina.

6. (Amended) A feminine hygiene pad as recited in claim 1, wherein said feminine hygiene pad further comprises a front flap, extending forwardly from the front end of the main pad body and terminating at a distal end, said flap adapted to aid in retaining said main pad body adjacent to the wearer's vagina.

7. (Amended) A feminine hygiene pad as recited in claim 6, wherein said front flap is stretchable.

8. (Amended) A feminine hygiene pad as recited in claim 6, wherein said distal end of said front flap contains an area of adhesive adapted for attaching said distal end to said undergarment of the wearer.

9. (Amended) A feminine hygiene pad as recited in claim 6, wherein said front flap contains an area of body adhesive adapted for attaching said distal end to the wearer's body.

10. (Amended) A feminine hygiene pad as recited in claim 1, wherein said strip is flexible.

11. (Amended) A feminine hygiene pad as recited in claim 1, wherein said adjustment means is non elastic.

12. (Amended) A feminine hygiene pad as recited in claim 1, wherein said adjustment means comprises one or more loops positioned on said opposing second face whereby in use the length of the strip is capable of being reduced by looping the distal end of the strip through one or more of said loops.

13. (Amended) A feminine hygiene pad as recited in claim 1, wherein said adjustment means comprises a ring and buckle arrangement.

14. (Amended) A feminine hygiene pad as recited in claim 1, wherein said adjustment means comprises a section of the strip, located adjacent to the main pad body, said section being folded into one or more pleats, said one or more pleats being held in position by means of an adhesive releaseably securing said [folded] section of the strip to a sheath; whereby in use the length of the strip is capable of being adjusted by releasing said adhesive, unfolding the one or more of said pleats and reattaching said adhesive.

15. (Amended) A feminine hygiene pad as recited in claim 1, wherein said adjustment means comprises an adhesive swatch positioned on the opposing second face whereby in use the length of the strip is capable of being reduced by making a fold in the strip and securing said fold to the adhesive swatch.

16. (Amended) A feminine hygiene pad as recited in claim 1, wherein said adjustment means comprises said strip containing one or more perforated lines, [each line] said one or more perforated lines extending across the width of said strip and thereby creating [a] one or more preferential tearing [line] lines, whereby in use the length of the strip is capable of being reduced by removing one or more sections of the distal end of said strip by tearing along said one or more preferential tearing lines.

17. (Amended) A feminine hygiene pad as recited in claim 16, wherein the distal end of said strip contains an area of positioning adhesive which, prior to use is covered

by an area of release paper; and wherein each of said one or more perforated lines creates a corresponding tearing line in the release paper.

18. (Amended) A feminine hygiene pad as recited in claim 1, wherein said adjustment means comprises said strip containing one or more overlapping shingles at its distal end whereby in use the length of the strip is capable of being reduced by removing said one or more [of said] shingles.

19. (Amended) A feminine hygiene pad comprising:
a main pad body having an absorbent core positioned between a cover material and a barrier layer, a rear end which in use is located in proximity to a wearer's buttocks and an opposed front end, a first face adapted to contact with the wearer's body and an opposing second face adapted to face toward an undergarment of the wearer, a main pad body thickness being defined as the dimension of the main pad body from the first face to the opposing second face, said main pad body adapted to be worn in close proximity to the vagina of the wearer;

said absorbent core being adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use;

said opposing second face comprising a strip attachment means;

a [substantially planar] strip[,] having a proximal end and a distal end, said strip releaseably attachable by said strip attachment means to the main pad body, said strip being substantially planar and relatively small in thickness compared to the thickness of the main pad body, and said strip once attached to said main pad body extending rearwardly from said rear end of the main pad body, terminating at the distal end and having an effective length as measured from said rear end of the main pad body to the distal end;

wherein said feminine hygiene pad being configured such that said strip is adapted to be received between the buttocks of the wearer to thereby facilitate retaining said main pad body adjacent to the wearer's vagina: and

whereby the effective length of the strip is adjustable by the wearer by attaching the strip by said strip attachment means at a point on the strip in between the proximal and distal ends of the strip.

20. (Amended) A feminine hygiene pad as recited in claim 19, wherein the opposing second face comprises a series of numbered gradations as an aide to the wearer in adjusting the length of the strip.

21. (Amended) A feminine hygiene pad as recited in claim 19, wherein the strip attachment means comprises an adhesive swatch.

22. (Amended) A feminine hygiene pad as recited in claim 19, wherein the strip attachment means comprises a hook and loop fastening material.

23 (Amended) A feminine hygiene pad comprising:
a main pad body having an absorbent core positioned between a cover material and a barrier layer, a rear end which in use is located in proximity to a wearer's buttocks and an opposed front end, a first face adapted to contact with the wearer's body and an opposing second face adapted to face toward an undergarment of the wearer, a main pad body thickness being defined as the dimension of the main pad body from the first face to the second face, said main pad body adapted to be worn in close proximity to the vagina of the wearer; said absorbent core being adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use;

said feminine hygiene pad further comprising a [substantially planar] strip, said strip being substantially planar and relatively small in thickness compared to the [thickness of the] main pad body thickness, and said strip extending rearwardly from said rear end of the main pad body, terminating at a distal end and having a length from said rear end of the main pad body to the distal end;

an attachment piece releaseably affixed by a positioning means to said strip at a distance from the distal end selectable by the wearer, thereby establishing an effective length of the strip as measured from said rear end of the main pad body to the attachment piece; and wherein said feminine hygiene pad being configured such that said strip is adapted to be received between the buttocks of the wearer to thereby facilitate retaining said main pad body adjacent to the wearer's vagina.

24. (Amended) A feminine hygiene pad as recited in claim 23, wherein said attachment piece comprises an area of garment adhesive.

25. (Amended) A feminine hygiene pad as recited in claim 23, wherein said attachment piece comprises an area of body adhesive.

26. (Amended) A feminine hygiene pad as recited in claim 23, wherein said positioning means comprises a hook and loop fastening material.

27. (Amended) A feminine hygiene pad as recited in claim 23, wherein said positioning means comprises a cohesive adhesive zone.

28. (Amended) A feminine hygiene pad as recited in claim 23, wherein said positioning means comprises two or more slits in the attachment piece, whereby in use the strip is looped through said two or more slits and secured by means of an adhesive area on the attachment piece.